

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ERNESTO MANUEL GONZALEZ,

Plaintiff(s),

v.

UNITED STATES OF AMERICA,

Defendant(s).

Case No. 2:22-CV-328 JCM (EJY)

ORDER

Presently before the court is defendant United States of America (“USA”)’s motion to dismiss. (ECF No. 13). Plaintiffs Ernesto Manuel Gonzalez, James Patrick Gillespie, Cesar Vaquera Morales, Diego Chavez Garcia, and Bradley Campos (“plaintiffs”) have not responded, and the time to do so has passed.

Also before the court is plaintiffs’ motion to extend time (ECF No. 23), which is moot.

USA filed its motion to dismiss in September 2022. (ECF No. 13). The court granted several stipulations to allow plaintiffs extra time to respond to the motions. (ECF Nos. 16, 19, 22). Plaintiffs moved for a fourth extension of time to respond in January 2023. (ECF No. 23). Before the court adjudicated plaintiffs’ motion to extend time, the parties stipulated to the relief sought therein, which the court granted. (ECF Nos. 25, 27). Plaintiffs’ motion to extend time (ECF No. 23) is thus rendered moot. The court granted a sixth stipulation to extend time for plaintiff to respond to USA’s motion to dismiss. (ECF No. 30).

The court’s order granting the parties’ stipulation to extend time extended the deadline to June 5, 2023, for plaintiffs to respond to USA’s motion to dismiss.<sup>1</sup> (ECF No. 30). This deadline has passed, and plaintiffs have not filed a response. Pursuant to Local Rule 7-2(d), an

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<sup>1</sup> Plaintiff Gillespie also sought an extension to respond to defendant David Karpel’s motion to dismiss, as he died before the dismissal of Karpel as a defendant. (*See* ECF No. 28). To the extent that Karpel’s motion to dismiss was still ripe as to plaintiff Gillespie, no response was filed on his or his estate’s behalf by the deadline.

1 opposing party's failure to file a timely response to any motion constitutes the party's consent to  
2 the granting of the motion and is proper grounds for dismissal. Plaintiffs' lack of response  
3 indicates their consent to the granting of USA's motion and dismissal of the action against USA.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that USA's motion to  
6 dismiss (ECF No. 13) is GRANTED.

7 IT IS FURTHER ORDERED that plaintiffs' motion to extend time (ECF No. 23) is  
8 DENIED as moot.

9 The clerk of the court is instructed to close this case.

10 DATED June 9, 2023.

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UNITED STATES DISTRICT JUDGE